

In the Court as set by Article 3 of the Constitution for the United States of America which court is set for:

**district court of the United States
FOR THE WESTERN DISTRICT OF NEW YORK**

Daniel J. Wik

Plaintiff,

v.

Donald R. Kunego,

**NOTICE OF
MOTION FOR
SUBPOENA/
ENLARGEMENT OF
DEPOSITIONS**

CASE NO: 6:11-cv-06205 CJS

Defendant:

PLEASE TAKE NOTICE, that upon the Affirmation of Daniel J. Wik, dated September 6, 2011, Plaintiff Daniel J. Wik will move this Court before Judge Charles J. Siragusa, for an Order to enlarge the number of depositions to greater than 10 (ten).

If the opposing party intends to file and serve reply papers, pursuant to Local Rule 7.1(c), the opposing party is therefore required to serve opposition papers at least eight business days prior to the return date.

September 6, 2011

Daniel J. Wik

Plaintiff without representation
in propria persona

c/o non-domestic
659 Averill Avenue
Rochester, New York 14607
(585)-957-5902

To: Robert H. Flynn
Lippman O'Connor
300 Olympic Towers
300 Pearl Street
Buffalo, New York 14202

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Plaintiff,

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**AFFIRMATION IN SUPPORT OF
MOTION FOR
SUBPOENA/
ENLARGEMENT OF
DEPOSITIONS**

CASE NO: 6:11-cv-06205 CJS

Defendant:

Daniel J. Wik respectfully presents and affirms the following under penalty of perjury, under the laws of the United States of America without the "United States" (federal government):

1. I submit this Affirmation in support of my Motion for Subpoenas/Enlargement. The information set forth in this Affirmation is based upon my personal knowledge and review of the proceedings in this action and are true and correct to the best of my knowledge.

Facts

2. Daniel J. Wik is not an attorney.
3. Daniel J. Wik has no representation in this matter.
4. In order to prosecute this instant case it is necessary for Daniel J. Wik to obtain testimony and evidence from 3rd parties.
5. Daniel J. Wik is not authorized to issue subpoenas.
6. In this particular case there exist a large number of people that have a limited amount of information that is relevant to proving this case.
7. It will be necessary to depose more than 10 (ten) people.

8. An enlargement of the number of depositions does not bias and prejudice any parties and is indispensable to the interest of justice and judicial economy.

Point of Law

9. Due to the number of people having pertinent information to this case and what evidence and information must be obtained it will be necessary that the number of depositions be enlarged to approximately 20 (twenty) in order to allow me due process to investigate all the information necessary to prove my cause of action.

Conclusion

10. For the foregoing reasons in the interest of justice it is necessary and appropriate to issue the subpoenas and enlarge the number of depositions to more than 10 (ten).

Relief

11. For the foregoing reasons I respectfully request an order from the court to:
- a. Enlarge the number of parties allowed to be deposed at this time to 20 (twenty);
and
 - b. Have the Court Clerk issue the attached subpoenas so I may subpoena the parties to obtain the information necessary to prove the case.

September 6, 2011

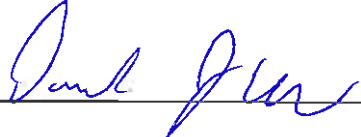
Daniel J. Wik



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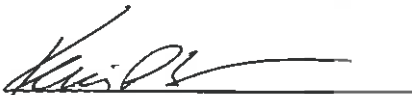
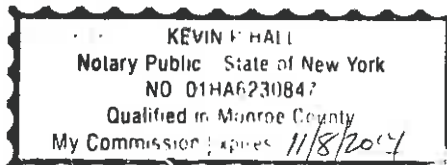
I, Daniel J. Wik, hereby certify, under penalty of perjury, under the laws of the United States of America, without the "United States" (federal government), that the foregoing is true and correct to the best of my knowledge and belief.

Daniel J. Wik



Affirmed to before me this

6th day of September, 2011.


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PROOF OF SERVICE

Donald R. Kunego

CASE NO:6:11-cv-06205-CJS

Defendant:

PROOF OF SERVICE

I, Daniel J. Wik, hereby certify, under penalty of perjury, under the laws of the United States of America, without the "United States" (federal government), that I am at least 18 years of age, and that I personally served the following document(s):

Notice of Motion

Affirmation in support of Motion

Request for Documents

Notice of EBT

by depositing the same properly and securely enclosed in a sealed wrapper one true and correct copy of said document(s) in a post-office box regularly maintained by the United States, and under the care of the post office at Rochester, New York on the 8th of September 2011, with first class postage prepaid and properly addressed to each of the following:

Lippman O'Connor

300 Olympic Towers
300 Pearl Street
Buffalo, NY 14202
Att: Robert H. Flynn

Daniel J. Wik,



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